

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.377 of 2005

Between:

M/s. Editor Samagra Vartha Vara Patrika rep by Owner, Printer and Publisher Sri.
C.H. Ramana Reddy

S/o Konda Reddy Occ: Owner, Printer and Publisher & Editor of Samagra Vartha
Vara Patrika R/o D. No. 41-27-14,
Reddy Nilayam Saw Mill Road, Krishna Lanka Road, Vijayawada-13

..... PETITIONER

AND

- 1 The Sub-Collector and Sub- Divisional Magistrate, Vijayawada, Krishna District
- 2 The Press and Registration Appellate Board Suchana Bhavan, VIII CGO
Complex, Lodhi Road, at New Delhi

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more Specially one in the nature of Writ of Mandamus by declaring the impugned notice of the 1st respondent vide proceedings No. Rc. A5/2567/2004 dated 12-1-2005 and all other consequential proceedings as illegal arbitrary void abinitio and violative of Articles 14 & 21 of Constitution of India besides violative of due procedures as contemplated under the Press and Registration of Books Act 1867 besides violative of Principles of natural justice and set- aside the same.

Counsel for the Petitioner: MR.Y.RAMA RAO

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: Smt. H. Seethadevi (SC for CG)

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking to declare the impugned notice of the 1st respondent-Sub Collector vide proceedings No.Rc.A5/2567/2004, dated 12.01.2005 as illegal and arbitrary and to set aside the same.

The case of the petitioner-Samagra Vartha Vara Patrika is that it was running a weekly newspaper from 24.01.2004 with a valid title and declaration obtained from the 1st respondent. It is stated that the

1st respondent, issued a notice dated 22-11-2004 directing the petitioner to appear on 27-11-2004 and without giving any opportunity, has passed the proceedings dated 02.12.2004 canceling the original declaration on the ground that the petitioner has changed the place of printing. As against the said proceedings, the petitioner is stated to have filed an appeal before the Press and Registration Appellate Board under Section 8 (C) of the Press and Registration of Books Act 1867 (for short 'the Act') and the same is pending for adjudication. The grievance of the petitioner is that while pending the said appeal the 1st respondent has issued the impugned notice dated 12.01.2005 directing the petitioner to appear before him on 17.01.2005 and to render accounts for all advertisement charges that he has been receiving through various agencies, consequent on the cancellation of declaration. Hence the present writ petition came to be filed.

Heard the learned counsel for petitioner, learned Government Pleader for Revenue appearing on behalf of the 1st respondent and learned Standing Counsel for respondent No.2.

The impugned notice dated 12.01.2005 was issued consequent to the proceedings dated 02.12.2004 against which an appeal under Section 8 (C) of the Act, 1867 is pending consideration before the 2nd respondent. In view of the pendency of appeal, the impugned order passed by the first respondent is not justified and the same stands suspended till the disposal of the appeal by the second respondent. The 2nd respondent-Appellate Board is directed to consider the

appeal filed by the petitioner and pass appropriate orders in accordance with law expeditiously. Till such time, the first respondent is directed not to take any action pursuant to the impugned notice dated 12.01.2005.

(N.V. RAMANA, J)

Date: 20.01.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Sub-Collector and Sub- Divisional Magistrate, Vijayawada, Krishna

District

2 The Press and Registration Appellate Board Suchana Bhavan, VIII

CGO Complex, Lodhi Road, at New Delhi

3 Two CCS to GP for Revenue, High Court of AP, Hyderabad (OUT)

4 Two CD copies.